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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

PENELOPE HOUSTON, an individual, GREG  
INGRAHAM, an individual, JAMES WILSEY, an  
individual, and DANIEL O'BRIEN, an individual,  
Plaintiffs,

v.

DAVID FERGUSON, an individual dba  
CD PRESENTS, BURIED TREASURE  
MUSIC and ANARCHY ANTHEMS; ANTHEM  
MUSIC AND MEDIA FUND, LLC, a Delaware  
Limited Liability Company dba FIGS D. MUSIC,  
THE BICYCLE MUSIC COMPANY, an entity of  
unknown origin; NBC UNIVERSAL, INC., a

CASE NO. C10-01881 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER  
RE: FURTHER EXTENSION OF TIME TO  
FILE RESPONSE TO SECOND AMENDED  
COMPLAINT AND CONTINUANCE OF  
CASE MANAGEMENT CONFERENCE AND  
CASE MANAGEMENT CONFERENCE  
STATEMENT DEADLINE**

**Currently Scheduled Conference:**

**Date:** August 5, 2011

**Time:** 1:30 p.m.

**Courtroom:** 11 – Nineteenth Floor  
Hon. Jeffrey S. White, Presiding

Delaware Corporation; and Film 44, INC., a  
California Corporation,

(E-Filing)

Defendants.

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil Local Rules of the United States District Court, Northern District of California, Plaintiffs PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and stipulate as follows:

This Stipulation, and the Proposed Order thereon, is being submitted for the purpose of: (a) extending the deadline to file a responsive pleading to Plaintiffs' Second Amended Complaint (the "SAC"); (b) continuing the Case Management Conference ("CMC") in this case, which is currently scheduled for August 5, 2011, for at least thirty (30) days, to a date convenient to the Court; and (c) continuing the CMC Statement deadline that is tied to the date of the CMC. As set forth in the Recitals below, the parties believe that good cause exists for the Order requested in light of the status of the parties' settlement negotiations.

#### RECITALS

WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court ordered on July 1, 2011, that Defendant Ferguson's response to the Second Amended Complaint is due by July 22, 2011; and

WHEREAS, this is the tenth request for extension of the date by which Defendant shall file a responsive pleading; and

WHEREAS, Plaintiffs and Defendant Ferguson previously stipulated, and this Court ordered on June 10, 2011, that the CMC is to be held on August 5, 2011, and that the CMC Statement is due on July 29, 2011; and

WHEREAS, the parties have agreed to the settlement of their dispute, have finalized a settlement agreement, and are actively engaged in obtaining execution thereof; and

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1 WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court, Northern  
 2 District of California, permits the parties to extend the time within which to answer or otherwise respond to  
 3 a complaint by stipulation in writing and without a Court order, provided the change will not alter the date  
 4 of any event or any deadline already fixed by Court order; and

5 WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file a  
 6 responsive pleading to the Second Amended Complaint will not alter the date of any event or any deadline  
 7 already fixed by Court order; and

8 WHEREAS, Plaintiffs and Defendant agree and stipulate that the date by which Defendant shall file  
 9 a responsive pleading should be extended to August 22, 2011, to allow the parties time to complete the  
 10 execution of the settlement agreement;

11 WHEREAS, Plaintiffs and Defendant agree and stipulate that a further extension of time for  
 12 Defendant to file a responsive pleading to the SAC, to August 22, 2011, and a continuance of the CMC and  
 13 of the CMC Statement deadline, for a period of at least thirty (30) days from August 5, 2011, is appropriate  
 14 and would allow the parties further time to finalize settlement, and hereby jointly request that the Court  
 15 order such enlargement of time; and

16 WHEREAS, the parties believe that requested time modifications would have no substantial effect  
 17 on the schedule for this case and would encourage completion of the settlement;

18 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective undersigned counsel,  
 19 hereby stipulate as follows:

- 20 1. The time for Defendant David Ferguson to file a responsive pleading to the Second  
 21 Amended Complaint shall be extended to and including August 22, 2011.
- 22 2. Subject to Court approval and the Court's calendar, the CMC shall be continued for a period  
 23 of at least thirty (30) days from August 5, 2011.

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SO STIPULATED.

Dated: July 20, 2011

LAW OFFICE OF ALAN KORN

By: /Alan Korn/

Alan Korn

*Attorneys for Plaintiffs*

PENELOPE HOUSTON, GREG INGRAHAM, JAMES  
WILSEY and DANIEL O'BRIEN

IDELL & SEITEL LLP

Dated: July 20, 2011

By: /Richard J. Idell/

Richard J. Idell

*Attorneys for Defendant DAVID FERGUSON*

### ATTESTATION OF CONCURRENCE

I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Alan Korn, the above signatory.

Dated: July 20, 2011

By: /Richard J. Idell/

Richard J. Idell

~~PROPOSED~~ ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS HEREBY ORDERED as follows:

1. Defendant David Ferguson shall file a responsive pleading to the Second Amended Complaint on or before August 22, 2011.
2. The Case Management Conference in this matter shall be continued to September 16  
                    , 2011 at 1:30 p.m. in Courtroom 11, 19th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

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, 2011 at 1:30 p.m. in Courtroom 11, 19th Floor, Federal Building, 450  
Golden Gate Avenue, San Francisco, California.

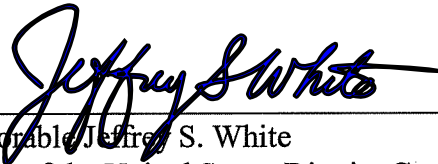
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3. A supplemental joint Case Management Conference Statement shall be filed by the parties on or before September 9, 2011.

**IT IS SO ORDERED.**

Dated: July 21, 2011

  
Honorable Jeffrey S. White  
Judge of the United States District Court  
Northern District of California